

Interview Summary

Applicants thank the Examiner for the courtesy of the telephone call on February 5th, 2010. Examiner Barham, the examiner's supervisor Robert Wax, and Applicant's representatives, Dr. Justin Huddleson and Robert Asher, participated in the discussion.

The interview focused upon the limitation to a fractional adhesion layer in claim 113 and its dependent claims. The Applicants' representatives proposed an amendment wherein the fractional adhesion layer covers a fraction of the total area of a side of a barrier layer where the fraction is less than one. It was argued that this would sufficiently define the area of the adhesion layer to differentiate the instant claims from prior art that teaches adhesion or adhesive layers that cover the total area of a side of a barrier or backing layer.

Examiner Barham agreed that such an amendment would differentiate the instant claims from prior art that teaches an adhesion layer covering the entirety of a barrier layer, but expressed concern that there was not adequate support in the specification for such a limitation. However, the Applicants' representatives argued that such support could clearly be found in Fig. 2 of the specification, as well in para. [0062] of the printed publication. Fig. 2 shows adhesion layers that cover less than the total area of a side of a barrier layer. Therefore, mathematically, the fraction of the barrier layer covered by the adhesion layer must be less than one. Para. [0062] describes embodiments with discontinuous adhesion layers, again which, mathematically, must be a fraction less than one. It was also pointed out that para. [0062] teaches the rationale behind fractional adhesion, minimizing the amount of adhesive used.

Examiner Barham agreed that the amendment would overcome the primary prior art references of record, pending adequate support. The representatives agreed to detail such support in the response. Supervisor Wax stated that the rejection based on 35 U.S.C. § 112 should not be maintained. Finally, Examiner Barham stated she would conduct a search for prior art pertaining to new claims 147 and 148.